

8-3-01 A

Please type a plus sign (+) inside this box

PTO/SB/05 (11-00)  
Approved for use through 10/31/2002 OMB 0651-0032U S Patent and Trademark Office, U S DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control numberUTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	PRC-4
First Inventor	Thomas H. Foster
Title	"MRI-RESISTANT IMPLANTABLE DEVICE"
Express Mail Label No.	EL 741590266 US

09/921066  
USPTO  
08/02/1011  
pro

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 3234]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 11 ]
5. Oath or Declaration [ Total Pages 3 ]
- a.  Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
- i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a.  Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
  - i.  CD-ROM or CD-R (2 copies); or
  - ii.  paper
- c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. See Attachment
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)

of prior application No 09 / 839,286

Prior application information

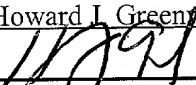
Examiner \_\_\_\_\_

Group Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 (Insert Customer Number or Bar Code Label here)			<input type="checkbox"/> or <input type="checkbox"/> Correspondence address below
Name	27157			
PATENT TRADEMARK OFFICE				
Address				
City		State		Zip Code
Country		Telephone		Fax

Name (Print/Type)	Howard I. Greenwald	Registration No. (Attorney/Agent)	24,247
Signature			Date 8/2/01

Burden Hour Statement: This form is estimated to take 0 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U S Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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# FEE TRANSMITTAL

## for FY 2000

Patent fees are subject to annual revision.

*Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12  
See 37 C.F.R. §§ 1.27 and 1.28*

TOTAL AMOUNT OF PAYMENT (\$355.00)

*Complete if Known*

Application Number	
Filing Date	
First Named Inventor	Thomas H. Foster
Examiner Name	
Group / Art Unit	
Attorney Docket No.	PRC-4

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)				
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to				3. ADDITIONAL FEES				
Deposit Account Number 50-1706				Large Entity	Small Entity	Fee Description		
Deposit Account Name Greenwald & Basch LLP				Fee Code (\$)	Fee Code (\$)			
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17				105	130	205	65 Surcharge - late filing fee or oath	
				127	50	227	25 Surcharge - late provisional filing fee or cover sheet.	
				139	130	139	130 Non-English specification	
				147	2,520	147	2,520 For filing a request for reexamination	
				112	920*	112	920* Requesting publication of SIR prior to Examiner action	
				113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
				115	110	215	55 Extension for reply within first month	
				116	380	216	190 Extension for reply within second month	
				117	870	217	435 Extension for reply within third month	
				118	1,360	218	680 Extension for reply within fourth month	
				128	1,850	228	925 Extension for reply within fifth month	
				119	300	219	150 Notice of Appeal	
				120	300	220	150 Filing a brief in support of an appeal	
				121	260	221	130 Request for oral hearing	
				138	1,510	138	1,510 Petition to institute a public use proceeding	
				140	110	240	55 Petition to revive - unavoidable	
				141	1,210	241	605 Petition to revive - unintentional	
				142	1,210	242	605 Utility issue fee (or reissue)	
				143	430	243	215 Design issue fee	
				144	580	244	290 Plant issue fee	
				122	130	122	130 Petitions to the Commissioner	
				123	50	123	50 Petitions related to provisional applications	
				126	240	126	240 Submission of Information Disclosure Stmt	
				581	40	581	40 Recording each patent assignment per property (times number of properties)	
				146	690	246	345 Filing a submission after final rejection (37 CFR § 1.129(a))	
				149	690	249	345 For each additional invention to be examined (37 CFR § 1.129(b))	
SUBTOTAL (1) (\$355.00)				Fee Paid				
2. EXTRA CLAIM FEES								
Extra Claims Fee from below Fee Paid								
Total Claims	1	-20** = 0	x 9	= 0				
Independent Claims	1	- 3** = 0	x 40	= 0				
Multiple Dependent				= 0				
*or number previously paid, if greater; For Reissues, see below								
Large Entity Small Entity								
Fee Fee Fee Fee Fee Description								
Code (\$)	Code (\$)							
103	18	203	9	Claims in excess of 20				
102	78	202	39	Independent claims in excess of 3				
104	260	204	130	Multiple dependent claim, if not paid				
109	78	209	39	** Reissue independent claims over original patent				
110	18	210	9	** Reissue claims in excess of 20 and over original patent				
SUBTOTAL (2) (\$0.00)				SUBTOTAL (3) (\$0.00)				

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Howard J. Greenwald	Registration No (Attorney/Agent)	24,247	Telephone 716-387-0280
Signature	11/29/01	Date	6/2/01	

## WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

EXPRESS MAIL MAILING LABEL NUMBER: **EI 741590266 US**

DATE OF THE DEPOSIT: 8/2/01

I hereby certify that the application identified herein as:

**"MRI-RESISTANT IMPLANTABLE DEVICE"**

including the following documents:

**Specification ( 3<sup>4</sup>2 Pages):**

**Drawings ( 11 Pages):**

**Utility XXX Design \_\_\_\_\_ Provisional \_\_\_\_\_ Patent Application:**

**Declaration**

**Fee Transmittal Form**

**Utility Patent Application Transmittal**

**Certificate of Express Mailing**

**Nonpublication Request Form**

**Return Postcard**

**Check 2601 for \$ 355.00.**

is being deposited with the United States Postal Service, using "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

PERSON MAILING THE APPLICATION:

**349 West Commercial Street  
Suite 2490  
East Rochester, New York 14445  
(716) 387-0280**

SIGNATURE OF MAILER:

- 
- Howard J. Greenwald, Esq. (Reg. No. 24,247)**  
 **Duane C. Basch, Esq. (Reg. No. 34,545)**  
 **Suzanne T. Stockman**  
 **Dollie C. Masters**  
 **Other: \_\_\_\_\_**

**Attorney Docket No.:** PRC-4  
**First Inventor:** Thomas H. Foster  
**Title:** "MRI-RESISTANT IMPLANTABLE DEVICE"  
**Express Mail Label No.:** EL 741590266 US

**UTILITY PATENT APPLICATION TRANSMITTAL (PTO/SB/05)**

**17. Other Accompanying Application Parts (Cont'd):**

Utility Patent Application Transmittal

Certificate of Express Mailing

Check

J. B. Dunn, Inc.  
1000 19th Street, Suite 200  
Washington, DC 20006-3710  
(202) 293-2000

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**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Thomas H. Foster
Title	"MRI-RESISTANT IMPLANTABLE DEVICE"
Atty Docket Number	PRC-4

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

8/2/2001

Date

Signature

Thomas H. Foster

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**